

**MINUTES OF THE
VINEYARD TOWN COUNCIL MEETING
Vineyard Town Hall, 240 East Gammon Road, Vineyard, Utah
December 14, 2011**

PRESENT:

Mayor Randy Farnworth
Councilmember Sean Fernandez – *excused at 7:18 p.m.*
Councilmember Jeff Gillespie – *arrived at 7:05*
Councilmember Norm Holdaway

ABSENT:

Staff Present: Water Operator Sullivan Love, Engineer Don Overson, Town Planner Jim Carter, Town Attorney David Church, Town Clerk/Recorder Dan Wright.

Others Present: Jerry Grover, Stewart Park and Ed Grampp of Anderson Development,

The Vineyard Town Council held a Regular Meeting on Wednesday, December 14, 2011, beginning at 7:00 p.m. The invocation was offered by Nathan Riley.

Regular Session – The meeting was called to order at 7:00 p.m.

MINUTES REVIEW AND APPROVAL –

COUNCILMEMBER FERNANDEZ MOVED TO APPROVE THE MINUTES OF THE MEETING OF NOVEMBER 22, 2011. COUNCILMEMBER RILEY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

PLANNING COMMISSION UPDATE AND RECOMMENDATIONS TO THE COUNCIL - *Planning Commission Liaison Norman Holdaway*

Councilmember Holdaway had no new business to forward to the Council from the Planning Commission.

STAFF REPORTS -

Planner, Jim Carter – Logan Simpson Design – Mr. Carter was not present at the meeting.

Engineer, Don Overson – JUB Engineers – Mr. Overson had no items to report.

Water Operator Technician – Sullivan Love – Mr. Love had no items to report.

Attorney – David Church – Mr. Church had no items to report.

Utah County Sheriff's Department – A representative of the Sheriff's Department was not present at the meeting.

BUSINESS ITEMS –

At the request of Councilmember Fernandez, Mayor Farnworth called for a motion to move Agenda Item 5.3 – Purchase of iPad2 Devices and 5.4 – iPad Use Policy, forward as the first agenda items.

COUNCILMEMBER FERNANDEZ MOVED TO TAKE AGENDA ITEM 5.3 AND 5.4 AS THE FIRST AGENDA ITEMS. COUNCILMEMBER RILEY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

5.1 Discussion and Action – Purchase of iPad2 Devices. *The Council will discuss and possibly act to approve the purchase of iPad2 devices and associated equipment and apps for use during Town Council meetings and other Council assignments. Use of the iPad2 devices would eliminate the need for paper packets and would also allow storage of and access to electronic documents as needed.*

Councilmember Fernandez noted that the Council discussed details and costs of purchasing iPad2 devices for Council use during the November 22, 2011 meeting, and that the general consensus of that discussion appeared to be to move forward with the purchase of 6 devices with 16gb and 3G wireless connectivity, along with associated apps and additional expenses for Verizon 3G coverage.

The Council briefly discussed an option which would create a cost savings for the initial purchase price but would require individual Councilmembers to purchase their own Verizon accounts. The Council felt that the Town should be responsible for costs associated with the Ipads since the primary use would be for Town business.

Councilmember Riley expressed concern regarding exposing private email accounts to GRAMA laws if they are used on the iPad devices for Town business. Town Attorney, Dave Church, recommended that a separate email account be set up for each Councilmember to be used exclusively for Town business. He recommended that personal email accounts not be used on the Town iPads to avoid exposure to GRAMA requirements.

The Council went on to discuss the iPad Use Policy drafted by Mr. Church. Councilmember Fernandez noted that the policy is specific to use of the iPad devices, and does not address staff use of Town computers or the internet. The Council also discussed depreciation of the devices as outlined in the policy, which places a value of \$0 on the devices at the end of four years, at which time they will be replaced and will become the property of individual Councilmembers.

Councilmember Fernandez recommended that the Council move forward with purchase of the devices and associated apps and equipment and begin use in compliance with the use policy. He felt it would be beneficial to purchase the devices as soon as possible in order to

prepare them for use beginning in January 2012. Mayor Farnworth called for further comments or discussion from the Council. Hearing none, he called for a motion.

COUNCILMEMBER FERNANDEZ MOVED TO PROCEED WITH PURCHASE OF SIX IPADS AS DISCUSSED AND TO APPROVE THE IPAD USE POLICY.

COUNCILMEMBER GILLESPIE SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED UNANIMOUSLY.

5.2 Discussion and Action – iPad2 Use Policy. *The Town Council will discuss and possibly act to approve a policy governing the use of iPad2 devices purchased by the Town for use by Councilmembers and staff.*

This item was discussed and approved in conjunction Item 5.2 – Purchase of Ipad2 Devices.

Councilmember Fernandez was excused from the meeting at 7:18 p.m.

5.3 Discussion – PacifiCorp Presentation. *Representatives of PacifiCorp will provide a project update for the Mayor and Council regarding the Lake Side 2 construction project.*

Robert Van Engelenhoven with PacifiCorp Energy was present for this discussion. He explained that Brett Hunter is the Town's primary contact for PacifiCorp issues, but that he has information specific to the Lake Side 2 project. He stated that dirt have been moved onto the site and drains installed to facilitate soil compaction and dewatering of the clay soil to support the future facilities on the site and alleviate excessive settling in the future. The dirt piles will be removed and construction will begin when compaction and drainage of the site is complete, approximately March 2012.

Mr. Van Engelenhoven inquired as to whether the Council would like periodic updates regarding the status of the project. The Council felt that a general update every six months during the two year project would be adequate unless unexpected circumstances arise. Mr. Overson noted that he communicates regularly with project personnel, and will also keep the Council informed of the status of the project and any problems which arise.

5.4 Discussion and Action – Library and Gym Reimbursements. *The Council will discuss and possibly act to approve a reimbursement given to residents for a portion of the cost of Orem Fitness Center memberships and non-resident Orem Library cards.*

Mayor Farnworth called for comments or questions from the Council regarding Orem library or fitness center reimbursements for residents. Hearing none, he called for a motion.

COUNCILMEMBER GILLESPIE MOVED TO APPROVE A REIMBURSEMENT OF \$80 FOR VINEYARD RESIDENTS TO BE APPLIED TO THE PURCHASE OF A NON-RESIDENT OREM LIBRARY CARD OR FITNESS CENTER MEMBERSHIP.

COUNCILMEMBER RILEY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

5.5 Discussion and Action – Appointment of Vineyard Town Representative to the Utah Lake Commission and Technical Committee. *The Town Council will appoint two Vineyard representatives to serve as a member of the Utah Lake Commission and the Utah Lake Technical Committee for 2012. An alternate may also be appointed to the Commission. Appointments are required annually.*

Mayor Farnworth noted that he currently serves as the Vineyard representative on the Utah Lake Commission, and Councilmember Holdaway serves on the Utah Lake Technical Committee. He inquired as to whether any other Councilmembers had a strong desire to serve in those capacities. Following brief discussion, the Council determined that Mayor Farnworth and Councilmember Holdaway should continue to represent the Town. Mayor Farnworth called for a motion.

COUNCILMEMBER HOLDAWAY MOVED TO APPOINT MAYOR FARNWORTH TO REPRESENT VINEYARD AS A MEMBER OF THE UTAH LAKE COMMISSION, AND TO APPOINT COUNCILMEMBER HOLDAWAY AS A MEMBER OF THE UTAH LAKE TECHNICAL COMMITTEE FOR THE 2012 CALENDAR YEAR. COUNCILMEMBER RILEY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

Staff will send a letter notifying the Utah Lake Commission of the appointments.

5.6 Discussion – Geneva Gateway Subdivision (Application # FP-10-03) – *The Town Council will review and possibly act to approve the Geneva Gateway Subdivision preliminary and final plat. The proposed subdivision consists of 6 lots encompassing approximately 22 acres in the RMU Zone. Commercial development is proposed for five lots, with multi-family residential housing proposed for the remaining lot.*

Mayor Farnworth noted that the Council has a staff report from Town Planner, Jim Carter, regarding this application. Mayor Farnworth observed that this is the Council's first review of this application. He expressed concern regarding easement locations and well sites associated with CUP wells which are not currently shown on the plat.

Jerry Grover of Anderson Development explained that this application was originally submitted in 2010, but was delayed due to impacts of the Geneva Road expansion project. He stated that the current plat includes an updated overpass alignment and identifies that area planned for residential development. Mr. Grover also explained that the developer is currently working with CUP to finalize the location of the two well parcels as well as the easement connecting the two well sites. He stated that Anderson Development anticipates a condition of approval to be that the final location of the well parcels and easements will be shown on the final plat prior to recordation.

Town Engineer, Don Overson, reported that CUP has reviewed the proposal before the Council and had no objections. He clarified that Castlewood Development has requested that the wells and easements be relocated based on the final site plan, but the exact location has not yet been finalized. Mr. Grover explained that an agreement is in place between Anderson

Development and CUP which allows relocation of the wells within 600 feet of the current location provided adequate spacing is maintained between the two wells sites to allow access to the aquifer from both wells. The relocation will be finalized in compliance with the terms of that agreement. Mr. Grover noted that Mr. Overson will have final review and approval of the well and easement locations prior to recordation of the final plat. Town Attorney, David Church, explained that the Council has the authority to approve the plat subject to Mr. Overson's final review and approval of well and easement locations.

Councilmember Riley noted that staff recommendations reflect approval of the plat with a condition of final approval by the Town Engineer. He inquired as to the staff recommendation requiring documentation from UDOT regarding Geneva Road access. Mr. Grover explained that there are historic UDOT accesses to the site which may be affected by the Geneva Road project. Access points will be finalized with UDOT based on Geneva Road and overpass alignments. Mr. Overson noted that documentation from UDOT will also be required to specify access designs, such as right in-right out, full access, public access, etc. Mr. Grover noted that the historic access at Center Street is currently identified as a private access, but will be converted to a public access.

Councilmember Riley noted that the recommended condition that no building permits be issued for lots 4, 5, and 6 until Center Street and associated utility improvements are constructed is important, as all utilities to serve the lots will be provided through Center Street. Mr. Grover acknowledged that those lots could not be developed until Center Street improvements are completed. He observed that a plat not could be added to the final plat, but that the condition of approval should make it clear that building permits will not be issued for those lots until necessary infrastructure is completed.

Mr. Overson stated that the application has been well reviewed by staff and the Planning Commission. He stated that he felt comfortable giving final review and approval of the plat prior to recordation.

Mayor Farnworth called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER RILEY MOVED TO ACCEPT THE FINDINGS AS DISCUSSED AND TO APPROVE THE GENEVA GATEWAY SUBDIVISION FINAL PLAT WITH THE FOLLOWING CONDITIONS AS RECOMMENDED BY THE PLANNING STAFF AND PLANNING COMMISSION:

- 1. THAT THE FINAL PLAT NOT BE RECORDED UNTIL THE FINAL ENGINEERING FOR THE PLAT IS APPROVED BY THE TOWN ENGINEER.**
- 2. THAT THE FINAL PLAT NOT BE RECORDED UNTIL UDOT PROVIDES DOCUMENTATION OF ITS APPROVAL OF THE PROPOSED ACCESSES FROM GENEVA ROAD.**
- 3. THAT THE FINAL PLAT NOT BE RECORDED UNTIL THE OWNERSHIP STATUS OF THE TWO WATER WELL SITES IS DETERMINED AND THE PLAT IS EITHER AMENDED OR CONFIRMED ACCORDINGLY.**

4. THAT NO BUILDING PERMITS SHALL BE ISSUED FOR LOTS 4, 5, OR 6 UNTIL CENTER STREET AND ASSOCIATED UTILITY IMPROVEMENTS ARE CONSTRUCTED.

COUNCILMEMBER HOLDAWAY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

5.7 Discussion – Castlewood Development Geneva Gateway Residential Development Plan (Application # PU-11-01) – *The Town Council will review and possibly act to approve the Castlewood Development Permitted Use Application for a multi-family housing development located in the RMU Zone.*

Duane Rasmussen of Castlewood Development was present for this discussion with the Council. Mr. Rasmussen noted that information provided to the Council in the staff report is very comprehensive and illustrates compliance with ordinance requirements for the RMU zone, including building height, density, and landscaping requirements. The plan proposes three hundred residential units within three story walk up structures. The project will include one, two and three bedroom units. The project consists of 15.1 acres with a density for the development is proposed at 19.9 units per acre with 1.9 stalls per unit, including 164 garages. The majority of the garages will line the railroad corridor to serve as a sound buffer for the residential area from the railroad tracks and buffer from the commercial parcels. The site plan includes open space on the north and south end of project which will accommodate the CUP well site parcels. These parcels are not included in the required open space calculation.

Mr. Rasmussen went on to review access and traffic circulation for the site. He noted that the developer has the same concern as the town regarding documentation of appropriate Geneva Road access through UDOT prior to recording the plat. He also reviewed discussions with CUP regarding future drilling of the wells on the site. Various options have been discussed with CUP, including pre-drilling the wells prior to construction, or some type of compensation package for residents should drilling take place after construction and occupancy.

Town Building Official, Doug Bezzant, noted that prior to issuance of building permits for any construction on the site, it will be necessary for sanitary sewer and fire hydrant infrastructure to be installed. Emergency vehicle access which can support fire trucks will also need to be completed prior to issuance of building permits.

Councilmember Riley requested clarification regarding the location of utility service for this project area. Mr. Overson reviewed utility alignments for water, sewer and storm water infrastructure to this site, which will be completed as part of the Center Street as an RDA project. Councilmember Riley expressed concern regarding approval of a site plan at a time when utilities are not yet available to the site. Mr. Church noted that building permits will not be issued until utility infrastructure is completed to the site. He noted that RDA financing is committed to build the necessary infrastructure, and that recommended the condition of approval that building permits will not be issued until infrastructure is complete notifies that developer that building will not take place until that condition is met and utility improvements are completed. Preliminary site work can begin prior to construction of the residential structures without issuance of building permits.

Mr. Rasmussen explained that an approved site plan in compliance with requirements for the zone is necessary prior to obtaining funding for the project. He noted that due to the arduous application process for funding, construction is not expected to begin for eighteen to twenty four months. Approval of the site plan by the Town will allow the developer to proceed with the

financing process. Mr. Church noted that the Town will be required to provide documentation that the town is committed to install the necessary infrastructure for this project through the RDA before financing can be obtained by the developer.

Mayor Farnworth called for further comments or discussion. Hearing none, he called for a motion.

COUNCILMEMBER GILLESPIE MOVED TO APPROVE THE CASTLEWOOD DEVELOPMENT GENEVA GATEWAY RESIDENTIAL DEVELOPMENT PLAN APPLICATION WITH THE FOLLOWING CONDITIONS:

1. THAT THE FINAL DEVELOPMENT PLAN SHALL BE CONSISTENT WITH THE DEVELOPMENT PLAN APPROVED BY THE TOWN COUNCIL, AND SHALL CONFORM TO THE FINAL ENGINEERING FOR THE GENEVA GATEWAY SUBDIVISION PLAT AS APPROVED BY THE TOWN ENGINEER.
2. THAT NO BUILDING PERMITS SHALL BE ISSUED FOR THE CASTLEWOOD DEVELOPMENT PROJECT UNTIL CENTER STREET AND ASSOCIATED UTILITY IMPROVEMENTS ARE CONSTRUCTED, AND LEGAL ACCESS TO BOTH GENEVA ROAD AND CENTER STREET ARE DOCUMENTED BY UDOT.

COUNCILMEMBER RILEY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

OPEN SESSION – Citizen Comments

Mayor Farnworth called for comments from the audience. There was no public comment.

COUNCILMEMBER'S REPORTS –

Councilmember Riley – Councilmember Riley inquired as to whether snow removal near Vineyard Elementary recently was being done by the Town's contract snow removal company or Orem City. Councilmember Gillespie explained that the contract for snow removal is for accumulations of two inches of snow or more, and that the work completed near the school was done by Orem City crews or UDOT crews in association with the Geneva Road project

Councilmember Holdaway – Councilmember Holdaway had no items to report.

Councilmember Gillespie – Councilmember Gillespie had no items to report.

Councilmember Fernandez – Councilmember Fernandez was not present at this time.

MAYOR'S REPORT –

Mayor Farnworth reminded the Council of the Christmas dinner scheduled December 15, 2011 at 6:00 p.m.

Mayor Farnworth informed the Council that the Town received a letter of non-compliance from the state Water Quality Board due to a report which was not submitted earlier in the year. A notice to residents will be included in a future utility bill notifying them of the non-compliance. Mayor Farnworth noted that the water is safe to drink, and that the issue was a

required monthly report which was not submitted. Water Operator, Sullivan Love, explained that monthly bacteria tests much be conducted and submitted to the Water Quality Board. He stated that the test was inadvertently missed in October and cannot be made up.

Mayor Farnworth noted that Planning Commissioner, Nate Carlisle, will be out of the country for two years. He has discussed with resident Josh Price the possibility of filling Commissioner Carlisle's seat in his absence. Mayor Farnworth will meet with Mr. Price to discuss the assignment in detail prior to making a recommendation that he be appointed to fill the Commission vacancy.

Mayor Farnworth reported that 15 building permit applications have been received by the Town in the past two weeks. Staff is working to resolve concerns regarding existing field drains which may be disrupted as a result of construction in the Sleepy Ridge subdivision. Mr. Overson is working to provide an overlay of drain locations to address the situation and make sure drains are not disrupted inadvertently resulting in ground water flooding issues.

The Town is investigating what funds will be necessary to purchase road right-of-way on the Cook property to include in the General Fund budget if possible.

ADJOURNMENT –

The meeting was adjourned at 8:19 p.m. The next regular meeting will be held January 11, 2012. The Regular Council meeting scheduled for December 28, 2011 will be cancelled.

MINUTES APPROVED ON – January 11, 2012

CERTIFIED CORRECT BY _____
DEBRA CULLIMORE, DEPUTY RECORDER